

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	N/S	O	R	23	\$	DEMAND	OTHER	JUDGE NUMBER	JURY DEM.	DOCKET	YR.	NUMBER
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PLAINTIFFS

KENNETH W. DAVIS, JR.

DEFENDANTS

ERNST ERDMANN, Port Director,  
(Port of Tulsa, Oklahoma)  
BUREAU OF CUSTOMS, DEPARTMENT  
OF THE TREASURY, and REX D.  
DAVIS, DIRECTOR, BUREAU OF  
ALCOHOL, TOBACCO AND FIREARMS,  
DEPARTMENT OF THE TREASURY.

CAUSE

Mandamus to compel officers or employees of United States to perform  
duty owed plaintiff. 28 U.S.C. §1361

ATTORNEYS

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Tulsa, Oklahoma 74103

Ronald E. Williams  
Bureau of ATF  
Room 300, 1200 Main Street  
Dallas, Texas 75202

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	09-01-75
				JS-6	4-1-79

DATE	NR.	B PROCEEDINGS
8-6-75	1	Complaint, filed.k Summons issued.k
8-12-75		Summons, ret. & filed: served Ernst Erdman, Port Director, Tulsa, Ok., 8-7-75; served Rex D. Davis, Dir. Bureau of AT&F, Dept. of Treas., Wash. D. C., and Attorney General, Dept. of Justice, by certified mail 8-7-75; served U. S. Attorney, Tulsa, Ok. 8-7-75. (USM \$3.80)g
10-6-75	2.	Answer, filed. lm
10-9-75	MO	Parties are directed to hold PT conf. on or before 11-19-75 & file PT Order on or before 11-26-75. (AEB-J)k cps by cert mail
11-18	3.	Mot. to Dismiss, fld. by Defts. v
11-18	4.	Brief in Support, fld. v
11-19	MO:	Ordered that Pltf. is granted 10 days to respond. (AEB-J)v
12-1	5	Response of pltf. to motion to dismiss and brief in support, filed. g
1-12	MO	Case referred to Mag. Bradford for F&R re pending motions. (AEB-J)k
2-25	MO	Case set for hrg. on defendants' Mot. to dismiss before Mag. Bradford on 3-17-76 at 10:30 a.m. (MLB-Mag)k ntc by KT
3-17	MO	Case called for hrg. before Mag. on defts' mot. to dismiss. Parties present. Mag. finds that mot. should be denied. Pltf counsel to prepare F&R and proposed Order w/in 10 days. (MLB-Mag)k
3-24	6.	Findings & Recommendations of Mag., filed. (MLB-Mag)k cps mld
5-17	7.	Order, filed, that the Mot. of Defts. to Dismiss is Denied, but that this action shall proceed for jurisdictional review pursuant to the Administrative Procedure Act but not as a mandamus. (AEB-J)v -cps. mld.
6-22	MO	Parties are directed to hold PT conf. on or before 8-5-76 & file PT Order on or before 8-11-76. (AEB-J)k cps by cert ml
7-12	8	Pltf's first set of interrogs., filed. g
8-11	9.	Pltf's motion to continue pre-trial hearing, filed.s O to J
8-17	10.	Defts. ans. to pltf's first set of interrogatories, filed.s
8-17	11	Order, filed, that Pre-Trial Hearing is continued and reset for 10:00 a.m., Oct. 4, 1976.s (AEB-J) cps. mld.
10-5	12	Defts. Ernst Erdman, Port Director (Port of Tulsa, Okla.), Bureau of Customs, Dept. of the Treasury, and Rex D. Davis, Director, Bureau of ATF, Dept. of the Treasury's motion to continue PT hearing, filed.s
10-12	13	Order, filed, that all defendants are granted until 11-4-76 to file an agreed upon PT order.s (AEB-J) cps. mld.
11-10	14	Deft's appl. to file PT Order 12-10-76, filed.k O to J
11-11	15.	Order, filed, that Ernst Erdmann, Port Director (Port of Tulsa, Okla.), Bureau of Customs, Department of the Treasury, and Rex D. Davis, Director, ATF, have from 11-4-76 to 12-10-76 to submit an agreed upon pre-trial order.s (AEB-J) cps. mld.
<u>1977</u>		
1-7	16.	Pre-trial order, filed. (AEB-J)ph cps mld
1-18	MO	Case set for non-jury trial on 2-22-77 at 10:00 a.m. (AEB-J)s ntc. by cert. ml w/affid.
1-27	17.	Pltf's applic. for continuance, filed. hm OtoJ

## CIVIL DOCKET CONTINUATION SHEET

BARROW

75-C-356-C

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Kenneth W. Davis, Jr.		Ernst Erdmann, et. al.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
1-28	18.	Order, filed, striking case from 2-22-77 non-jury trial docket, to be reset on next non-jury docket.s (AEB-J) cps. mld.	
2-25	MO	Case set for non-jury docket on 3-21-77 at 10:00 a.m. (AEB-J)k ntc by cert ml w/ affid.	
3-21		Case called for non-jury trial. Parties present & announce ready. Parties excused til 2:30 P.M. At 2:55 P.M. parties announce agreement to settle & request Ct. to pass matter for 45 days. Ct. grants request & passes matter until May 9, 1977. (AEB-J)b	
4-27	MO:	Case set for non-jury trial on 5-9-77, at 10:00 A.M. (AEB-J)b nts mld	
4-28	19	Defts. trial brief. fld. ho	
5-2	20	Pltf. mot. to strike the above case from the present trial setting. fld. ho	
5-4	21	Order, filed, striking case from docket of 5-9-77, to be re-set on next non-jury docket. (AEB-J)b cps mld	
7-1	22.	Pltf's motion for leave to amend complaint, filed.k	
7-1	MO	It is ordered by the Court that the deft. is granted 10 days to respond to pltf's mot. for leave to amend compl. (AEB-J)k cps mld	
7-8	23	Defts. response to Pltfs. mot. for leave to amend compl. fld. ho	
7-12	MO	The Court has for consideration the pltf's mot. to amend, and the response stating that there is no objection, and, being fully advised in the premises, IT IS ORDERED that pltf's mot. for leave to amend be and the same is hereby sustained. (AEB-J)k cps mld	
7-12	24.	Pltf's amended complaint, filed.k	
8-5	25	Defts. mot. to ans. out of time, amended compl. fld. ho O to J.	
8-8	26	Order, filed, permitting defts. to file ans., out of time, to Amended complaint of pltf. (AEB-J) rla cps mld	
8-8	27	Defts. answer to amended complaint filed. rla	
9-14	MO	Parties are directed to hold a pre-trial conf. on or before 10-27-77 & file a pre-trial order on or before 11-3-77. (AEB-J) cps mld. ho	
9-26	28	Pltf. mot. to continue Pre-Trial Order. fld. ho O to J.	
9-26	29	Order, fld. granting Pltf. an ext. of time until 12-15-77 to file PTO. (AEB-J) cps mld. to movant. ho	
11-21	30	Pltf's second set of interrogs. to deft., filed.k	
12-15	31	Pltf. mot. to continue PTO. fld. ho O to J. cps	
12-15	32.	Order, filed, continuing pre-trial order until 1-30-78. (AEB-J)k mld	
12-23	33	Defts. ans. to Pltfs. second set of interrog. fld. ho	
1978			
2-8	34	Defts. mot. for ext. of time to submit PTO. fld. ho O to J.	
2-9	MO	The Court has for consideration defts' mot. for time until 3-10-78 to submit a pre-trial order, & finds that same should be granted. IT IS SO ORDERED. (AEB -J)k cps of orig. order mld to movant	
3-3	35	Supplemental pre-trial, filed. (AEB-J)k cps to Travis & Santee	
4-19	MO:	Case is set for non-jury trial on 5-15-78, at 10:00 A.M. (AEB-J)b nts cert w/affid.	
5-3	36	Pltf. mot. to strike the above case from the present trial setting. fld. ho O to J.	
5-3	37	Order, filed, striking case from 5-15-78 non-jury trial docket, to be reset on the next non-jury docket. Last continuance to be allowed. (AEB-J)k cps mld to movant	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1978			
5-22	MO:	Case is set for non-jury trial on 6-19-78, at 10:00 A.M. (AEB-J)b nts cert w/affid.	
6-13	MO:	By the agreement of the parties this case is ORDERED referred to Mag. Robt. Rizley for non-jury trial & findings of fact & conclusions of law pursuant to T. 28, US.C. Sec. 636 et seq. & M-128. IT IS FURTHER ORDERED that case is stricken from non-jury docket of 6-19-78. (AEB-J)b nts mld	
7-20	MO:	Case set for pretrial conference on 8-15-78, at 2:00 P.M. (RSR-Mag) b nts by kt	
8-15	MO	Pre-trial hrg. set before the Mag. at 2:00 p.m. is passed, by agreement of the parties, to 9-5-78. (RSR-Mag)k ntc by KT	
8-17	MO	Case set for pre-trial conference before the Mag. on 9-5-78 at 2:30 p.m. (RSR-Mag)k ntc by KT	
9-5	Min.	Case called for pretrial conf. Parties present. Pretrial conference conducted. Parties announced ready for trial. Trial set for 9-26-78, at 9:30 A.M. (RSR-Mag) b	
9-11	38	Second Supplemental PTO, fld. (RSR-Mag.) ho c/m	
9-26	39.	Pltf's Trial brief, filed. b	
9-27		Case called for non-jury trial before Mag. Robert Rizley. Parties present & announce ready. <u>Deft's trial brief filed in open court.</u> Parties waive opening statements. Pltf. presents case in chief, witnesses sworn & testify. Pltf. rests. Defts' pres. case in chief, witnesses sworn & testify. Deft. rests. Pltf. presents rebuttal evidence w/testimony of witness. Parties rest. Closing arguments waived. Pltf's 1st & 2nd set of interrogatories & defts' answers thereto, offered & admitted into record. Pltf's & defts' exhibits offered & admitted. Parties to submit simultaneous proposed Findings of Fact & Conclusions of Law, & brief, if desired w/in 15 days. Mag. to thereafter make F&R to Ct. for Judgment. Court adjourned. (RSR-Mag) b	
10-3	--	Reporters transcript of proceedings had on 9-26, 27, 1978 before Mag. Rizley, fld. Ann Hart, L.S.R., ho 152 pgs.	
10-23	40	Pltf's proposed findings of fact and conclusions of law, filed.k <i>copy</i>	
10-23	41	Pltf's memorandum in support of proposed F/F and C/L, filed.k <i>copy to mag</i>	
10-25	42	Defts' proposed findings of fact & conclusions of law, filed.k	
10-25	43	Brief in support of defts' proposed F/F and C/L, filed.k	
11-3	44	Findings of Fact & Conclusions of Law of Mag. fld. (RSR-Mag)ho c/m Mag. recommends judgment for pltf.	
11-13	45	Defts' objection to F&R of the Mag. with brief incorporated, filed.k	
11-14	MO	Pltf. is ordered to file a response on or before 11-27-78 to defts' obj. to F&R of the Mag. (AEB-J)k cps mld	
11-27	46	Pltf. brief in supp. of F/F & C/L & recommended judgment of Mag. fld. ho	
1979			
3-16	MO	Case transferred to Judge H. Dale Cook. (JCS-Clk)k	
3-20	47	Order, filed, that the determinations of the Director should be & are sustained; that defts' objs. to F&R of the Mag. are sustained; & that judgment be entered in favor of the defts. & against the pltf. (HDC-J)k cps mld	
3-20	48	Judgment in favor of defts. & against pltf., filed & entered. (HDC-J)k cps mld	

PLAINTIFF		DEFENDANT	DOCKET NO. _____
KENNETH W. DAVIS, JR.		ERNST ERDMANN, Port Director, et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
4-11-79	49	Pltf's notice of appeal, fld.ra	
4-11	50	Pltf's bond for costs on appeal, fld.ra	
4-11	51	Pltf's mot/stay of judgement pending appeal, fld.ra o to be in	
4-16	52	Order, filed, that defts. are enjoined from enforcing in any way the judgment entered 3-20-79 by destroying, tampering or otherwise modifying the knife-pistol owned by pltf. & subject of this litigation pending final disposition of this matter on appeal. (HDC-J)k cps mld	
5-3	53	Pltf-appellant's designation of record on appeal, filed.k	
5-3	--	Letter from 10th circuit Court of Appeals assigning no. 79-1382, received.k	
5-8	54	COUNTER DESIGNATION OF RECORD ON APPEAL of defts.k	
5-9		APPEAL RECORD (3 vols) sent to USCA. g	
12-4	55.	MANDATE & OPINION of 10th Circuit, filed and spread of record, remanding & reversing w/instructions to enter judg. requiring the issuance of necessary permit to require immediate delivery of the "knife-pistol" to pltf. rm	
12-4	56.	STATEMENT OF COSTS from 10th Cir., taxing costs in amt. of \$50.00 in favor of pltf. and against defts. rm	
12-10	--	APPEAL RECORD (3 vols) received from 10th Circuit. rm	
12-19	57	JUDGMENT, entered, It is ordered that Judgment is entered in favor of the Pltf. & against the Defts. It is further ordered that the Defts. issue the necessary permit to require imediate delivery of the "knife-pistol" to the Pltf. (HDC-J)ho c/m	
<u>1980</u>			
1-14	58	ORDER ON MANDATE (HDC-J)ho c/m	
<u>1983</u>			
3-2	--	EXHIBITS returned to counsel. hm	

PLAINTIFF

FPI-MAR

DEFENDANT

DOCKET NO. \_\_\_\_\_

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

DATE \_\_\_\_\_

NR.

## PROCEEDINGS